

201 KAR 20:235. The prevention of transmission of HIV and HBV by nurses.

RELATES TO: 42 U.S.C. sec. 300ee-2 note

STATUTORY AUTHORITY: KRS 314.131(1)

NECESSITY, FUNCTION, AND CONFORMITY: 42 U.S.C. Section 300ee-2 note requires each state to institute the guidelines issued by the United States Centers for Disease Control or guidelines which are equivalent to those promulgated by the Centers for Disease Control concerning recommendations for preventing the transmission of the human immunodeficiency virus and the hepatitis B virus during exposure-prone invasive procedures. This administrative regulation implements those guidelines for nurses.

Section 1. Definitions. (1) "HIV" means the human immunodeficiency virus.

(2) "HBV" means the hepatitis B virus.

(3) "Exposure-prone invasive procedure" means the digital palpation of a needle tip in a body cavity or the simultaneous presence of a nurse's finger and a needle or other sharp instrument or object in a poorly visualized or highly confined anatomic site.

(4) "Universal precautions" means the appropriate use of hand and skin washing, protective barriers, care in the use and disposal of needles and other sharp instruments, and those other techniques recommended in current U.S. Centers for Disease Control Morbidity and Mortality Weekly Report, June 24, 1988, Volume 37, Number 24, which is hereby incorporated by reference. A copy may be inspected, obtained or copied at the board office during regular business hours.

(5) "Nurse" means an advanced practice registered nurse, registered nurse or licensed practical nurse.

(6) "Invasive procedure" means entry into body tissues, cavities or organs.

(7) "Board" means Board of Nursing.

Section 2. Provisions for Nurses Generally. (1) All nurses shall adhere to universal precautions in their respective practices.

(2) Nurses who fail to adhere to universal precautions shall be considered as acting in a manner inconsistent with the practice of nursing and shall be subject to disciplinary action pursuant to KRS 314.091.

Section 3. Provisions for HIV and HBV Seropositive Nurses. (1) Nurses who perform exposure-prone invasive procedures and who know their status to be HIV seropositive or HBV seropositive in the absence of hepatitis B vaccination may seek counsel from the board.

(2) Upon the request of a nurse, the executive director of the board or his designee shall convene an expert review panel. The panel shall consist of the following:

(a) The nurse's personal physician or APRN;

(b) An infectious disease specialist with expertise in the epidemiology of HIV and HBV transmission;

(c) A nurse with expertise in the procedures performed by the requesting nurse; and

(d) The state or local public health officer or his designee.

(3) The executive director or his designee and the expert review panel shall follow the confidentiality requirements of KRS 214.625(5) and 61.878(1)(a).

(4) After review of a particular case, the expert review panel shall offer counsel regarding under what circumstances, if any, the nurse may continue to perform exposure-prone invasive procedures.

(5) If the expert review panel determines that a nurse is not in compliance with its recommen-

ditions and that his continued practice poses a significant risk to patients, the expert review panel shall initiate the complaint procedure set forth in 201 KAR 20:161. (19 Ky.R. 2775; Am. 20 Ky.R. 312; 508; eff. 9-3-93; TAm 7-15-2010.)